

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ALBERTA GIBBS,

Plaintiff,

v.

CITY OF NEW HAVEN, ET AL.

Defendants.

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3:04-cv-01537 (WWE)

**RULING ON PLAINTIFF'S MOTION
FOR RECONSIDERATION OF ORDER AND
JUDGMENT GRANTING MOTION FOR SUMMARY JUDGMENT**

Plaintiff has moved for reconsideration of the Court's ruling of April 4, 2008 (Doc. #78), granting defendants' motion for summary judgment. Plaintiff has moved for reconsideration because she claims that the Court applied the wrong legal standard for determining whether there has been an adverse employment action in a retaliation claim under the Age Discrimination in Employment Act ("ADEA").

The applicable standard for determining whether an employee was retaliated against for filing a complaint under the ADEA is whether "a reasonable employee would have found the challenged action materially adverse, which in the context means it might have dissuaded a reasonable worker from making or supporting a charge of discrimination." Kessler v. Westchester Cty. Dep't of Social Servs., 461 F.3d 199, 207 (2d Cir. 2006).

Plaintiff's claim fails to demonstrate any materially adverse employment action that a reasonable jury could conclude was in retaliation for plaintiff having filed a complaint with the Connecticut Commission on Human Rights and Opportunities. The

undisputed facts of plaintiff's treatment following the filing of that complaint on August 23, 2002 do not give rise to an inference that a reasonable employee would have been dissuaded from making a charge of discrimination.

The Court therefore GRANTS plaintiff's Motion for Reconsideration (Doc. # 80). For the foregoing reasons, the Court adheres to its prior ruling.

Dated at Bridgeport, Connecticut, this 22nd day of April, 2008.

/w/
Warren W. Eginton
Senior United States District Judge